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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, October 27, 2020, at 10 a.m.

Senate

SUNDAY, OCTOBER 25, 2020

(Legislative day of Monday, October 19, 2020)

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Madam President, I rise today to join my colleagues in opposing the confirmation of Judge Amy Coney Barrett as Justice of the Supreme Court. This is the wrong time to be choosing a Supreme Court Justice, and Justice Barrett is the wrong candidate for a seat on that Court.

The timing of tonight's confirmation vote is shocking. The majority of Americans want to be able to weigh in on who should sit in Justice Ruth Bader Ginsburg's seat on the highest Court in the land. They want to vote to choose a President to fill that vacancy.

We are 8 days away from Americans casting their final votes in the 2020 election. Over 58 million Americans have already voted, including more than 649,000 Nevadans. The American people are making their voices heard in response to this administration's disastrous handling of the coronavirus pandemic, which has led to the loss of 225,000 American lives, including 1,748 Nevadans, and sickened over 95,000 Nevadans.

In the middle of this crisis, Congress should be doing everything it can to address the needs of the American people. Instead, the Senate majority leader is ramming through a nominee at breakneck pace. He and the President are rushing this nominee's confirmation for a reason, which is because they believe, based on Judge Barrett's own public statements, that she will be the decisive vote to overturn the Afford-

able Care Act in a case that will be heard just a week after the election.

On November 10, the Supreme Court will listen to arguments from lawyers in a court case about whether the Affordable Care Act is constitutional. Majority Leader MCCONNELL and the President want a Justice who shares their views on the Affordable Care Act seated on the Court by that date.

Amy Coney Barrett's record on the ACA, not to mention her stance on the rights for women and the LGBTQ Americans that you have heard from my colleagues today and you will hear throughout the night, but her record on the ACA poses tremendous risk to Nevadans at a time when they need every help we can extend to them during this health pandemic.

That is why I opposed her nomination to the Seventh Circuit Court of Appeals back in 2017, and that is why I oppose her confirmation to the Supreme Court today. Instead of rushing her through in a partisan fashion to a lifetime seat on the Supreme Court, we should be working together to get the additional coronavirus relief that Nevadans and Americans so badly need right now.

Most of us here in the Senate understand that the American people need help to cope with the pandemic. To save lives and to stop the spread of the virus, people have to wear masks, they wash their hands, and they socially distance. That has meant that businesses haven't been able to operate as usual.

Some companies have been able to rethink their business models and

thrive, but others just can't substitute online interactions for in-person contact. That includes Nevada's world-class travel, tourism, and hospitality industry.

During April, Nevada had the highest unemployment rate ever recorded anywhere in the country at 30 percent. We are recovering from that peak more slowly than other States, and we still have one of the highest unemployment rates in the country. In August, second only to Hawaii's, it was 12.6 percent. Nevadans are hurting. Nevadans are hurting, Americans are hurting, and my constituents tell me about it all the time, and the data is clear what I see in Nevada. One in seven Nevadans say they aren't getting enough to eat, and one in five Nevadans say the children in their household are underfed.

There has been a 14-percent increase in those receiving SNAP benefits in the Silver State since February. There are 14 percent of Nevadans who say they are behind on rent or mortgage, and 38 percent are having difficulty with household expenses. There are 110,000 households in my home State that could be at risk of eviction by January.

That is why I have spent weeks calling on Leader MCCONNELL to extend and expand upon the support that we put in place in the relief legislation that we passed in the first half of this year. Unfortunately, instead of negotiating another COVID relief package, Leader MCCONNELL would rather play politics.

Nevadans need to understand the partisan political games that are being

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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played right now. Over the last 7 months, Senator MCCONNELL has refused to come to the table to even negotiate with the administration, with Speaker PELOSI, and Leader SCHUMER.

Now, Speaker PELOSI and Minority Leader SCHUMER originally asked for \$3.4 trillion in a new stimulus package. They have since come down to request for \$2.2 trillion in relief. That is a decrease of \$1.2 trillion from their original position. In return, as they have been negotiating with the administration, President Trump and Secretary Mnuchin have offered \$1.8 trillion in coronavirus relief. Clearly, Speaker PELOSI and Secretary Mnuchin have been working to get closer to an agreement over the amount and structure of the next needed comprehensive COVID stimulus package.

Meanwhile, while that negotiation is going on, Senator MCCONNELL is not even at the table. He refuses to even negotiate with the Democrats. Just this week, last week, he has forced two votes on the floor of the Senate on relief packages that were crafted behind closed doors with no bipartisan negotiation, and the second package was half the price of the one before. That is not a negotiation. That is politics. Senator MCCONNELL doesn't want to deal. He hasn't participated in the talks, and he is proposing less than a third of what even the Secretary of the Treasury thinks we need.

Instead, the majority leader has been laser-focused on one thing and one thing only, rushing through the Supreme Court nomination for Judge Amy Coney Barrett. There is a reason he is pushing so hard. He and others in the GOP have been obsessed with getting rid of the Affordable Care Act since it passed, and in Amy Coney Barrett, they see their chance to finally do just that.

Now, I want Nevadans to understand exactly what is at stake and how we got here. Let me lay out the timeline of just some of the dozens of Republican attacks on the Affordable Care Act and how Judge Barrett fits into their larger plan to overturn healthcare protections.

In 2010, the Obama administration passed the Patient Protection and Affordable Care Act, the ACA, to bring down healthcare costs and make sure that Americans had access to quality healthcare. Now, Republicans have been trying to repeal it ever since, voting at least 70 times—70 times—to undo the law in Congress. When they failed in Congress, they attempted in the courts.

Republicans have repeatedly used the courts to challenge Congress's power to enact the ACA. Their first attempt ended in failure in 2012 when the U.S. Supreme Court upheld the important provisions of the ACA in an opinion written by Chief Justice Roberts in the landmark case, *NFIB v. Sebelius*, but that has not stopped the Republican leadership.

Even though a majority of the American people have made it clear over and

over that they want the ACA and its extensive protections for healthcare, this administration and MITCH MCCONNELL have been stacking the court with Federal judges they believe would overturn the ACA, and Professor Barrett fits their profile.

In 2017, Professor Amy Coney Barrett wrote a book review article for Notre Dame Law School making it clear at the time in that book review that she thought Justice Roberts incorrectly decided *NFIB v. Sebelius*. She said that Chief Justice John Roberts "pushed the Affordable Care Act beyond its plausible meaning to save the statute." Conservatives who agreed with her, well, they took notice, because in May of that same year, 2017, they nominated her to serve as a judge on the Seventh Circuit Court of Appeals—go from professor to a judge of the Seventh Circuit Court of Appeals.

Now, while her nomination was pending in 2017, in July, the Republican leaders in the Senate again tried to force a vote to repeal the Affordable Care Act, and during that vote, the late Senator John McCain gave his famous thumbs down to show that he would not be responsible for repealing the ACA and ripping healthcare away from millions of Americans.

Well, a couple of months later, October 2017, Amy Coney Barrett was appointed to the Seventh Circuit Court of Appeals. I opposed her then for the same reasons that I oppose her nomination today. One month later, in November, she is then placed on President Trump's list of potential nominees to the U.S. Supreme Court. She just got to the circuit court. A month later, she is now on President Trump's list. Why is she on that list? Because she made it very clear in her writings that she was opposed to the Affordable Care Act.

Then 3 months later, in December of 2017, the Republicans in Congress passed a bill that would continue their attempts to sabotage the ACA. What they couldn't get done, because Senator John McCain and several others stopped him, they continued to sabotage it, so they passed a law. Based on this new law, several Republican attorneys general then went to Court asking the Court to rule the ACA unconstitutional. That case is *California v. Texas*, and it will be argued this year, November 10, just 2 weeks from now.

So their pathway has been consistent; I give them credit for that. The Republicans have been consistent in wanting to do away with the Affordable Care Act. They have either tried it here in Congress, or they are continuing to work the courts, and if they can't win in the courts, then let's put judges on the Federal benches that we know will support our position, and that is what you have happening. That is why this is being rushed through now, because they need Amy Coney Barrett on the bench when that case is heard November 10 to determine the constitutionality of the Affordable Care Act.

Let me tell you, the U.S. Department of Justice has done everything it can to assist their efforts to strike down the ACA. They filed a brief. The U.S. Department of Justice, on behalf of President Trump's administration, have filed a brief arguing that the entire law is invalid in support of those Republican attorneys general who want to do away with the Affordable Care Act. They have done this because the President wants them to.

In an interview with "60 Minutes" that aired just this evening, the President said that with regard to the Supreme Court's decision on the Affordable Care Act, "I hope that they end it."

That is not the only time. It is not a secret. President Trump wants to do away with healthcare coverage and patient protections in the middle of a pandemic that has killed 225,000 Americans, and he has been very clear about it. I mean, look back. June 26, 2015:

If I win the Presidency—

When he was a candidate.

—my judicial appointments will do the right thing, unlike Bush's appointee, John Roberts, on *ObamaCare*.

February 8, 2016:

I am disappointed—

This is President Trump.

—I am disappointed in Chief Justice Roberts because he gave us *ObamaCare*. He had two chances to end *ObamaCare*, and he should have ended it by every single measurement, and he didn't do it, so that was a disappointing one.

May 7, 2020, President Trump reiterated his position:

We want to terminate healthcare under *ObamaCare*, and *ObamaCare* is a disaster.

September 27, 2020, shortly after Barrett's nomination to the Supreme Court, President Trump tweeted:

ObamaCare will be replaced with a much better and far cheaper alternative if it is terminated in the Supreme Court. It would be a big win for the USA.

So, 4 years, at least, while I have been here, Republicans have been trying to repeal it, and this administration has been promising a replacement for healthcare in this country if the Affordable Care Act is repealed, but we see no replacement. We know that they have been putting judges on the Federal courts that will do their bidding—or at least think that they will do their bidding.

Now, let me give Judge Amy Coney Barrett credit because here is the thing: As an attorney, I respect judges, and I am always looking for a judge—a mainstream judge—who is going to weigh the evidence and the facts, look at the precedent, and make a decision that is on behalf of this country and the American people. So it is fair, though, without knowing her background, to judge which way she is going to rule and if she has an inherent bias based on her writings. That is what we do all the time.

What are her writings? Whether it is in private life as a professor or as an

attorney practicing law or as a judge in her written opinions, that is fair game. That will give us insight, because we can't see into somebody's mind and what they are thinking. That will give us insight on their legal analysis.

We know what she said at the hearing. There is two hearings: One is the Seventh Circuit, and one is U.S. Supreme Court. I will say, in her confirmation hearings, Judge Barrett has said:

I am not hostile to the ACA at all.

But this statement contradicts the thing she said about the ACA before her nomination to the court.

I believe now what I believed in 2017, Judge Barrett's writing showed her to be clearly opposed to the ACA. My view is that no one—not even a judge, should weaken those protections for healthcare in this country during a once-in-a-lifetime pandemic.

The Affordable Care Act is a crucial part of the Nation's response to coronavirus. Without it, insurance companies would be able to charge more or even deny insurance to people with preexisting conditions. That includes more than 95,000 Nevadans who have had COVID-19 to date because contracting that coronavirus is a preexisting condition. It includes another 1.2 million Nevadans with other preexisting conditions from asthma to cystic fibrosis to depression.

Without the ACA, insurance companies would also be able to consider pregnancy a preexisting condition as they used to. The 1.5 million women in Nevada could be charged more for their care than men, and lifetime and annual benefit caps could be reinstated.

If the Affordable Care Act is repealed or found unconstitutional, insurance companies would be able to kick children off their parents' insurance before the age of 26. Across the country, without the ACA, more than 20 million people would lose their health coverage, and over 135 million Americans would lose protections for their preexisting conditions. If the Supreme Court eliminates the ACA, millions of newly uninsured people will be unable to afford coronavirus treatment.

If you don't have insurance and you contract COVID-19, you are looking at tens of thousands of dollars in hospital bills. Let me tell you, this is especially alarming because COVID-19 has hit communities of color the hardest, including in my State. In Nevada, a third of our population are Latino; with another 10 percent of the population African-American; and 9 percent, fastest growing Asian-American/Pacific Islander; 2 percent, Native-American.

Among COVID-19 cases, however, these numbers are practically turned upside down. Forty-five percent of Nevada's COVID-19 cases are among Latinos who make up 29 percent of the population. And 29 percent of the cases are among White Nevadans who are 45 percent of the population. Nevadans of color are also overrepresented in the numbers of those who have lost their

lives during this pandemic. In Nevada, 12 percent of those who have died of COVID-19 are African-American and another 12 percent are Asian-American/Pacific Islander.

We also know from national data that COVID-19 has particularly devastating effects on children of color. Of those under 21 who have been killed by the coronavirus, more than 75 percent have been Hispanic, Black, or Native American. In addition, the coronavirus pandemic has had a disproportionate effect on pregnant women of color and their babies.

Nationwide, Latino mothers make up nearly half of the coronavirus cases among pregnant women, according to the CDC data through August.

Young people and communities of color are also seeing the greatest economic impact as a result of this pandemic. They are losing jobs and healthcare at higher rates. A recent study suggested that job losses would mean that 5 million Black, Latino, and Asian Americans would lose healthcare during the pandemic.

People in these communities don't always have the financial reserves to keep a roof over their heads, let alone access to critical, physical, and mental healthcare. Repealing the ACA would just further jeopardize these Americans, including millions in my home State and across this country.

And without the ACA protections, women in Nevada would also see adverse impacts on their health. That is because the ACA requires insurance plans to offer women essential benefits, like annual wellness examines, preventive mammograms and other screenings, maternity care, and access to free birth control. If the law is struck down, these benefits would go too.

In fact, Judge Barrett publicly signed a statement of protest against the ACA contraceptive coverage requirements. She said that those requirements were "an assault on religious liberty when applied to religious employers and institutions."

But that is just the first part of the danger that Judge Barrett represents to women's healthcare. She puts reproductive health rights at risk across the board.

In 2006, Judge Barrett signed a letter that called for "an end to the barbaric legacy of *Roe v. Wade*."

As a judge, she has repeatedly voted to rehear cases that struck down unconstitutional abortion restrictions.

During her confirmation hearing, she refused to describe *Roe v. Wade* as a superprecedent that could no longer be challenged. These views suggest—her written views and comments—that as she predicted in a 2016 speech, a Trump nominee to the Supreme Court would mean that the restrictions on abortion would change and that the Court would likely increase how much freedoms States have in regulating abortion, and if those States have more freedom to regulate abortion, it will lead to a

patchwork of different laws in different States.

A recent study suggests that if *Roe v. Wade* were overturned, the closest abortion clinic would close for 41 percent of women across the country, and the distance to the nearest clinic would increase from an average of 36 miles to an average of 280 miles.

In 2020, American women shouldn't have to choose what State to live in based on what kind of healthcare they think that they can get. These are fundamental rights that shouldn't be up for grabs.

More than 80 percent of Nevadans believe that women should control their own reproductive choices, and I stand with them.

I am also concerned about the impact that Judge Barrett would have on LGBTQ Nevadans if she is confirmed to the Court. The ACA contains specific protections against discrimination based on gender identity. The Trump administration has already weakened these protections significantly. If the ACA is struck down altogether, people who don't conform to gender stereotypes, including transgender Americans, could face increased discrimination in healthcare.

A study of transgender patients before the ACA went into effect, found that one in five had experienced discrimination from doctors and that 28 percent have postponed medical care in the past in order to try to avoid that discrimination.

Judge Barrett could also pose a considerable threat to the LGBTQ individuals in other ways. During her confirmation hearings, she refused to say whether she agreed with a decision in *Obergefell v. Hodges*, which established the right to same-sex marriage nationally.

In 2015, she publicly signed a letter stating that marriage is founded on the indissoluble commitment of a man and a woman. She has also publicly argued that title IX of the Civil Rights Act does not apply to transgender Americans, noting that it seems to strain the text of the statute to say that title IX demands that the government guarantee transgender bathroom access.

So, again, I am very concerned that if she is confirmed to the Court, Judge Barrett will be an additional vote to strike down things like same-sex marriage and imperil the health of LGBTQ Nevadans.

The truth is that Judge Barrett's views on a whole host of issues are far from mainstream. In her short time in the Seventh Circuit Court of Appeals, Judge Barrett has sided with corporations over workers and consumers in a majority of business-related cases, resulting in the erosion of workers' rights and consumer protection rights. She has suggested that voting rights should be more easily restricted than the right to possess firearms. And she has ruled that the Age Discrimination in Employment Act does not protect job applicants from hiring practices that harm older Americans.

Now, I have received over 18,000 letters from Nevadans opposing her confirmation. That is compared to 3,900 supporting it. So, clearly, Nevadans are concerned that Judge Barrett doesn't share their views, and they are right to be concerned.

The Supreme Court makes decisions about so many issues that affect our communities, and it will be lifelong. People in this country care deeply about issues, and in so many cases, Judge Barrett's views are out of step with what large majorities of Americans want.

Seventy-seven percent of Americans think we should stop unlimited dark money from influencing our politics, but a 6-to-3 conservative Court would slam the door on campaign finance reform, allowing corporations and other groups to throw their wealth behind their pet policies.

Americans believe voting should be easy, safe, and secure, and that you shouldn't have to risk your health during a pandemic to cast your ballot. But, again, a 6-to-3 conservative Court with Amy Coney Barrett on the Bench would make it harder for people to vote, especially people in low-income communities and communities of color. And, again, bear in mind that we are in the middle of an election.

If she is confirmed tonight, Justice Barrett would also be in a position to rule on any legal disputes about that election.

That is one of many topics that she simply refused to answer questions about during her confirmation hearings.

Now, it is understandable for a judge to avoid questions about a case that may come before her so that she doesn't prejudge the outcome. But Judge Barrett refused to answer the most basic of questions—questions that any high school civic student knows the answer to.

She wouldn't say whether the Constitution allows Congress to protect the right to vote. Answer: It does in at least five separate provisions.

She wouldn't say whether the President of the United States can delay the election. Answer: He can't. That is not within his authority.

She wouldn't say whether the President should peacefully transfer power to the winner of a Presidential election. The most important American principle is that we the people get to decide who governs it, but Judge Barrett wouldn't even affirm that.

And she wouldn't say whether voter intimidation or voting twice in an election is illegal. Well, it is. Those laws are clearly on the books. It doesn't take a constitutional scholar to interpret them.

People in Nevada and across the Nation need to realize that many of the rights and protections they enjoy are one vote away from being ended by the Supreme Court.

There are at least 120 landmark Supreme Court cases from the past sev-

eral decades that were 5-to-4 decisions, with Justice Ruth Bader Ginsburg the deciding vote in the majority and Justice Antonin Scalia, whose judicial philosophy inspires Judge Barrett, in the minority. There is every reason to think that Judge Barrett would take positions like Justice Scalia's in those areas and more.

With Amy Coney Barrett on the Court, Americans' civil rights, workers' rights, reproductive rights, healthcare, and, yes, their voting rights are at risk. For all of these reasons, Judge Barrett is not only the wrong nominee, but she comes at the wrong time.

Now is not the time to rush a nominee onto the Court. Now, as millions fill out their ballots, is not the time to deprive the American people of a voice in choosing the next President who will choose the Supreme Court Justice. Now is not the time for us to focus on the immediate crisis at hand.

We need to act to save lives and to protect families in Nevada and across the country. We need that focus now on what our families are dealing with because of this pandemic. That is why our focus should be on passing another comprehensive COVID-19 stimulus package.

We need pandemic unemployment insurance for those who have been laid off or furloughed, through no fault of their own, and subsidized health coverage for those workers. We need additional funds to address the health aspects of this pandemic—everything from PPE to COVID-19 testing and tracing, to funding to develop vaccines and treatment. We need rental and homeowner's insurance to keep people safe in their homes as winter approaches. Our small businesses need extended PPP so they can retain staff. And many of our large industries need support as well.

State, local, and Tribal governments must have assistance so they can afford to fund EMTs, police, firefighters, and healthcare providers, not to mention teachers who are reinventing education on the fly.

All of these essential services are keeping our communities safe and functioning during this crisis.

I can keep going on and on with this list, or I can just simply point my colleagues to the Heroes Act, which the House passed months ago.

If Senator McCONNELL really wanted to get meaningful relief passed, he would do it. We know he can move quickly because we can see that with this Supreme Court nominee.

If he would just come to the table with Senators from both parties who are eager to find a compromise to help out their constituents, and he could make that deal happen, that is what should happen. Instead, he and the majority in this Chamber have decided to fast-track this nominee. They have decided the most important thing they can do for this Nation during a once-in-a-lifetime health crisis is to confirm a Justice to the U.S. Supreme Court.

The cruelty and blindness to the real needs of Americans is astounding to me. Instead of working for our constituents, Republican leadership has focused on a last-minute power grab that threatens Americans' health. I can't support that.

There is no reason to rush this nominee. There is every reason to act on a comprehensive COVID-19 relief package. It is what we should have been doing months ago.

My priority is and will continue to be getting Nevadans comprehensive and meaningful support that they need right now.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to speak about the nomination of Judge Amy Coney Barrett to be an Associate Justice on the U.S. Supreme Court. That has been the subject of, I know, a number of floor remarks tonight and this morning.

We know that in terms of the history of the nomination at this time before an election, no person has ever been confirmed this close—just days away from a Presidential election—and no election, of course, has had so many votes cast this early. Fifty-nine million is the last number I saw a couple of hours ago. And this is all happening—this rushed confirmation process—while people are voting, all while Republicans here in the Senate are ramming a nomination through and not voting on a COVID-19 relief bill, which should be the subject of our work at this time, in my judgment, because of the nature of the pandemic, the threat that it still poses, and the relief that is needed all across the country.

But as much as we focus, in this Supreme Court Justice nomination debate, on this judge from the Seventh Circuit Court of Appeals, ultimately, it is really, in the end, not about her nomination; in the end, it is about real people's lives, especially as to how the Supreme Court will impact those lives, those families, when it comes to the Patient Protection and Affordable Care Act. That will be the focus of my remarks this morning.

This is a debate about people, and I will talk about a few people from Pennsylvania in my time here on the floor, people like Erin Gabriel, who is from Beaver County, PA, right on the Ohio border, way out in the western part of our State. It is about Erin and her 11-year-old daughter Abby, as well as Shannon Striner. Shannon is from Pittsburgh, just a little south of where Erin is from.

I will be talking about Shannon and her 4-year-old daughter, but I will start with Erin Gabriel's daughter Abby. I will use this photograph to tell everyone who Abby is. Abby is this child in the middle. She is in this picture with her brother and sister.

Here is what Erin Gabriel said about her daughter. She said:

My youngest daughter Abby just celebrated her 11th birthday last Saturday.

This is just in the month of October, this month.

That was something that was never promised to us. Abby is growing up in her community with her family and friends. Normally, she enjoys shopping, going to the movies, Disney on Ice. She travels. She swims at a local lake, and she snuggles with her dog at home, and she rides all the rides at Idlewild—

Which is a local amusement park—

Abby is autistic, deaf, blind, nonverbal, and has a rare progressive neurological syndrome affecting multiple organ systems, with a long list of life-threatening symptoms that we are all still trying to learn more about.

Medically, Abby has to go through a lot. She sees multiple specialists in Pittsburgh, Cleveland, and Boston. She is undergoing blood work to monitor her anemia and to watch for signs of leukemia. She has regular EEGs and MRIs to monitor the progress of her seizures. She uses hearing aids and glasses and a wheelchair and a speech-generating device. She relies on protections for people with preexisting conditions, and she relies on the ban on lifetime caps to access this care. Without the Affordable Care Act, Abby would be uninsurable.

Then Erin goes on to talk about the benefit of living in Pennsylvania because of some extra protections that Abby has. Then she continues:

Because she receives this care, Abby is right now healthy, happy, and thriving. As you might expect, Abby is considered very high risk should she contract COVID-19. Abby has not been inside any building that is not our home or a hospital since March 10 of this year. Summer vacations, play dates, outings, travel plans to visit grandparents—they have all been canceled. This fall, we pulled Abby out of her school—a place that had become community to her over the last 8 years—to homeschool her.

She, like many children with disabilities, simply cannot access a virtual education, and it is not safe to send her back into a school building while this virus is spreading. But Abby misses her school and her friends.

Normally, ongoing speech, occupational, and physical therapy help Abby to keep the progress she has made learning to walk, to eat, swallow, and to communicate. But with COVID-19, they have all come to a halt.

It is just not safe, and it has also provided us a window into what her world looks like without access to these therapies.

So that is just part of Abby's story, as told to us by her mom. As I made reference to in the statement of her mom, Erin wrote that Abby would be "uninsurable" without the ACA.

I have to ask: Are we really going to say, again, that children like Abby are uninsurable? Are we going to allow that to happen in America? Is that the intent of this whole exercise, the exercise that has played out over years now—years—of repeal efforts?

All of them so far have failed, so the second strategy was to run cases up through the judicial system, to get to the Supreme Court, and then, ultimately, to stack the Court with right-wing justices who could then strike down the Affordable Care Act. That is what we are heading toward right now.

Is that America? Is that the America we want—where we advance healthcare to make sure families like Erin's and her daughter Abby have all the protection, all the coverage that she needs—after all the progress that has been made, instead of coming together and saying that we are going to make improvements to our healthcare system but we are going to grow the number of people who are covered and we are going to ensure that any child like Abby has the protections that she needs, that her family should have a right to expect in the United States of America, the most powerful, the wealthiest country in the history of the world?

Erin went on to say that, because she receives this care, the care she is getting now—largely because of the Affordable Care Act, not to mention Medicaid: "Largely because she receives this care, Abby is healthy, happy, and thriving."

So I have to ask: What does justice demand here? St. Augustine said hundreds of years ago: "Without justice, what are kingdoms but great bands of robbers."

So any government—certainly our government—that makes it possible for a child to have those protections, those programs, those services, the therapies—and I could go on—and then takes an action that could result—and if this law is struck down by the Supreme Court will result—in those benefits and protections either to have been taken away or to be threatened or undermined or compromised or limited—any government which does that is robbing that family of justice.

I mentioned earlier that Shannon's daughter Sienna is another example of what we are talking about here. Here is what Shannon says about Sienna, her 4-year-old daughter with Down syndrome. She says:

Sienna is a remarkable little girl that loves life. She is a smiley, energetic, empathetic ray of sunshine. Her favorite activity is spending time with her big sister, whom she adores. If we let her, she would watch Sesame Street all day. Elmo is a way of life in our house. She loves music, books, therapy, and playing outside. She is mischievous, funny, and beautiful. She has the ability to bring smiles to our family on the worst of days. We wouldn't change one thing about her.

Sienna happens to have an extra copy of her 21st chromosome, also known as trisomy 21 or Down syndrome. Sienna's diagnosis came as a surprise to us. After enduring four miscarriages, she was our miracle baby. Our miracle baby surprised us on the day of her birth with her diagnosis and a heart condition.

We were completely unprepared to raise a child with a disability. After I delivered her, a kind nurse explained to me how lucky we were to have Sienna here in Pennsylvania after passage of the Affordable Care Act.

Then she went on to talk about how Pennsylvania had some benefits in Medicaid. And then Shannon continues:

As I entered this new world of early intervention, therapies, and medical needs, I

began to realize just how much of a financial toll this would take on all of us if it weren't for the protections of the ACA and Medicaid: custom orthotics, outpatient weekly therapies, overnight hospital stays, adaptive strollers, walkers, safety sleepers, echocardiograms, communication devices, blood work. The list goes on.

Sienna receives seven weekly therapies. The cost of those alone are \$3,400 per week. Without the ACA, her therapies and medical care would have quickly exceeded the lifetime cap, and Sienna would be uninsurable for the rest of her life and left without access to lifesaving care.

Shannon goes on:

I am proud to be Sienna's mom. The journey is full of wonder, joy, and unimaginable love. It changes life's most ordinary moments into the extraordinary. But with constant attacks on our healthcare, it is also agonizing work, hard decisions, and constant advocacy. It gets exhausting fighting for your child, having to prove their value to the world.

Then she goes on at the very end:

Once again, we as parents are forced to suit up for battle and prove that our children are worthy of healthcare.

Her last line of this statement is:

Everyone loses if our children are unable to reach their fullest potential.

So that is Shannon talking about Sienna, her daughter. She used that same word that Erin used. Different stories, similar burdens, but she used that same word that Erin used—"uninsurable"—uninsurable if the Affordable Care Act is taken away.

She talks about life with the Affordable Care Act and without it. That is what a lot of parents do when they write to us. They tell us what their life was like before the Affordable Care Act and what their life is like now—and what their life would return to, those dark days when an insurance company could make a determination about a child's insurance, their coverage, their treatment—frankly, their life.

Then, toward the end, she talks about what she and other parents feel under these constant attacks, having to prove their value, the value of their child: We as parents are forced to suit up for battle—suit up for battle—and prove that our children are worthy of healthcare.

I am going to ask the same question again: In America? In America, that is what we want to do—have this constant battle? Parents have to come here, to the U.S. Senate and to the House?

The organization that this mom is a part of is called Little Lobbyists. This is a group for and because of the battles on healthcare. Why the hell is this going on in America?

Why should we be fighting about progress that has been made? Why aren't we talking about improvements, getting the cost of healthcare down, getting the cost of prescription drugs down? Let's make improvements.

Why do these parents have to continually battle to ensure that their children have this kind of protection? Should mothers really have to suit up for battle in the United States of

America, where the powerful get their way all the time in this place?

They are different kinds of lobbyists that come in. They are not Little Lobbyists. They are not mothers and their sons and daughters. They are a different kind of lobbyist. Corporations did really well in the tax bill of 2017, a bill that was rammed through between Thanksgiving and Christmas.

What did they get? Well, they got about a 14-point reduction in their corporate tax rate—permanent tax relief, jacked up the debt to do it—because they have power.

I thought that was—when you compare that action that the Senate took at the time to what some in the Senate want to do on healthcare, to roll back the protections, to rip away protections for these children—and I am not even talking tonight about the adults who are impacted. But when you compare those two actions, it is really perverse and disgusting that the powerful get to come in here and get permanent tax relief and get a bonanza the likes of which we haven't seen in modern American history.

And all these parents are asking us to do is preserve what we have. They are not asking for anything more. They are just saying: Please make sure my child doesn't lose their coverage. Please make sure that they have the therapies they need when they have these complex medical needs, multiple disabilities—not one, in many cases, but multiple. That is all they are asking us to do.

That is why it is such an important matter in the Supreme Court fight because you have to ask: Why the rush to get this nominee through by election day? That has never happened before this close to an election.

Well, I will tell you why. This nominee is being fast-tracked, first of all, because this nominee has been vetted by the two groups that matter—the Federalist Society and the Heritage Foundation—both groups totally committed to undoing, striking down the Affordable Care Act. So she has already passed that test, and she apparently passed with flying colors, as she moves very quickly to a likely confirmation.

But why the fast-track to get there in a matter of days? What is coming up? Is it election day? No. There is a date after the election; it is November 10. That is the argument date. They know that, if she is not on the Supreme Court, if she is not confirmed as a member of the Court by the argument, November 10, she can't participate in the decision.

What is the decision? The decision to strike down the Affordable Care Act. That is what it is—the decision that really is the proxy for what did not happen on the floor of the U.S. Senate in July of 2017. When the repeal effort failed and when it failed multiple times in the House over many years, this is the proxy for it. Litigate it, fund it, and run that case right up the chain to the Supreme Court.

So that is what this is about. They want to make sure that she is on the Court and at the argument so she can be the deciding vote on the Affordable Care Act. That is why we are rushing.

How about another healthcare issue? How about Medicare? I mentioned Medicaid. How about Medicare, the program that used to have bipartisan support all across the board?

Now, Judge Barrett was asked a direct question about Medicare, and she didn't want to give an opinion on Medicare. She was asked it in the context of the constitutionality of Medicare. And a member of the Judiciary Committee, Senator FEINSTEIN, asked her because she referenced a law review article questioning the constitutionality of Medicare.

I think that is a loopy theory. I think that is a theory that most Americans—probably 90 percent of Americans—don't agree with, questioning the constitutionality of Medicare, passed more than 50 years ago. It has benefited tens and tens and tens of millions of Americans and still today benefits numbers like that—45 million, roughly, I think it is.

I understand why the judge doesn't want to say: Well, in this case that is before the Court or this case that is unsettled, I might have a—I can't give you a determination. But on Medicare couldn't she have at least said—instead of mentioning, as she did in her answer, the law professor's name twice who has this loopy theory on Medicare constitutionality, couldn't she have said simply: Well, I can't tell you how I am going to rule on a Medicare case, but I can tell you that, just like *Brown v. Board of Education* is a superprecedent in a judicial sense, I think most people would agree that Medicare is a superprecedent in a legislative sense.

She wouldn't have violated any principle of not telling how you are going to come down in a case. She could just tell us or relate to us the reality that most Americans believe about Medicare.

Now, I know there has been some commentary about her law review article that—or I should say her writings about the 2012 Supreme Court case. We know that the case she was referring to was a 2012 case. So, in 2017, Judge Barrett wrote an article about what Chief Justice Roberts ruled in the case. She wrote: "Chief Justice Roberts pushed the Affordable Care Act beyond its plausible meaning to save the statute."

In light of her frequent criticism of the act, the Affordable Care Act, Senator LEAHY of Vermont asked her during her confirmation hearing whether she had ever written or spoken in favor of the law. She has not. So that is what she was writing in 2017.

I have to ask: If she felt so strongly about the 2012 decision by the Court and the position of Justice Roberts, she didn't seem to write much about it for a couple years—until 2017, when you had a new President. And what followed a few months later was she was

nominated in the circuit court of appeals. So that is curious.

But what we know is that the President who nominated her, President Trump, certainly wants to strike down the Affordable Care Act. In fact, in May he said he wanted to "terminate healthcare" under the Affordable Care Act.

We know the impact of that. That destruction, the act of striking down the Affordable Care Act, would harm tens of millions of Americans. In Pennsylvania, 5½ million people with a pre-existing condition would be affected. Over 840,000 Pennsylvanians who are enrolled in Medicaid expansion would be, of course, adversely impacted. So that is the reality of what we are talking about with regard to this nomination.

I will make reference to one more family before I conclude my remarks. It is the Kovacs family from—also from Western Pennsylvania, Plum Borough, PA, in Allegheny County, not too far from Pittsburgh. The Kovacs' 11-year-old son Thomas is blind and has multiple disabilities. He has epilepsy, microcephaly, and intellectual disabilities.

His mom, Jessica, says the Affordable Care Act has made all of their lives better: "The ACA has made it possible for Thomas to receive therapy services at his school, Center Elementary School in Plum Borough."

The ACA has given his parents the option to change jobs and advance in their careers without fear of not being able to obtain health coverage for him because of his preexisting conditions. And they don't need to worry about busting through lifetime expense caps and losing coverage for Thomas. The ACA has brought peace of mind and comfort to their family because they know that he is protected by the essential healthcare benefits the law provides.

Striking down the ACA isn't only about the essential health benefits. It is about a lot more than that.

There is so much more that I could talk about tonight, so many more examples, but I will conclude with that and just make one final comment. When I think about what could happen and what is likely to happen if Judge Barrett is confirmed and becomes a member of the Court, participates in the argument on November 10, and then because of that participation is allowed to, as a member of the Court, to rule on this ACA case, it is highly likely that the Affordable Care Act will be wiped out.

I have to ask about the fate of Abby and Sienna and so many other children like them all across our Commonwealth and all across the country. I think often in government we must ask, here in the U.S. Senate or in the House or in the other branch of government—the judicial branch or in any branch of government, the executive, legislative, or judicial branches—we should all ask ourselves, Is this action

I am taking or is this policy or program advancing the cause of justice or not?

I would submit that striking down the Patient Protection and Affordable Care Act by virtue of a Supreme Court decision is not only the wrong policy, it is a giant step backwards in the interests of justice. Justice demands that these children have these protections; that these protections are not undermined, they are not compromised, and they are not taken away by judicial fiat.

This nomination threatens the healthcare of children like Abby and Sienna right now—right now in the United States of America, where we advanced into the light of protection for those children. When you consider what is at stake right now, it is that case. I think it is potentially the most important case the Court will decide in the next quarter century. That is the impact of it.

Very few Americans are not directly affected by this case, either because they are affected by way of loss of coverage or they are affected because of the scope of the protections that were brought about by the passage of the Affordable Care Act, the enactment of it.

A lot is at stake, not to mention so many other issues and so many other matters that will come before the Court. For that reason and several others, I will be voting against the nomination of Judge Barrett to be on the Supreme Court.

If I have an opportunity between now and the vote, I will outline some other reasons why. But for purposes of tonight, this morning, I wanted to talk about children like Abby and Sienna and their moms. The moms, Erin and Shannon, should have the peace of mind that has come with the protections of the Affordable Care Act.

With that, I will yield the floor.

THE PRESIDING OFFICER (Mr. CRAMER). The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I want to start by thanking my friend and colleague, the Senator from Pennsylvania, for talking this evening about what is at stake for so many of his constituents with this Supreme Court nomination and the very real possibility that the Affordable Care Act will be struck down and what that means to so many of his constituents.

I do think this is a moment where we need to reflect and take stock of where we are as a country on many fronts. We are in the middle of a global pandemic. We just saw the highest single day of new reported cases on Friday. Millions of Americans are unemployed and worried about how they are going to pay their rent and how they are going to pay for their medications.

We are here at a time when a Republican-led lawsuit to strike down the Affordable Care Act, supported by President Trump and his Department of Justice, is scheduled for a fateful hearing in the Supreme Court on November 10—1 week after the upcoming election.

We are here in the wake of the killings of Black men, like George Floyd, and Black women, like Breonna Taylor, which sent throngs of protesters into the streets across the country to rightly demand greater police accountability and racial justice.

We gather here as wildfires in the West and hurricanes in the South demonstrate with deadly and destructive voracity the accelerating and dangerous consequences of climate change. We meet as voters are filling out mail-in ballots as early as they can to make sure that the Postal Service, which this administration has deliberately slowed down, can get their ballots delivered on time so that they can be counted and as voters stand in long lines, with their masks, 6 feet apart, to cast their ballots in the early vote.

At this moment, this country is facing all these pressing issues, but as I come here this evening or early this morning, we are not considering solutions to any of those critical and urgent issues, not a single one. Instead, we are blowing up the precedent that the Senate Republican leader and other Republican Senators themselves established 4 years ago and considering a Supreme Court nominee closer in time to the Presidential election than ever before in American history, as millions of Americans have already have already cast their ballots.

We are blowing up this Republican Senate established precedent and racing toward a nomination that will turn the clock back, take us backwards on all of those pressing issues that I just outlined. But sadly, I suppose none of us should be surprised that we are focused here on another judicial nomination at the expense of focusing on legislation to advance and address the interests of the American people on so many front-burner pressing issues.

Indeed, as I reflect on the last months and years, just about the only thing this Republican Senate has done is pass nominations. Week after week, we ignore our job as legislators in favor of an agenda of rubberstamping, blindly supporting whatever nominee this President puts forward. In many cases, it hasn't even mattered if a judicial nomination is qualified, if they have even tried a case. Our Republican Senate colleagues have abandoned any principles they claim to hold with respect to our Judiciary Committee.

When President Obama was in office, those Republican Senators who were here in this Chamber erected a wall of opposition to scores of his nominees, refused to even consider many of them. They outright rejected President Obama's efforts to fill seats on the DC Circuit, the court just below the Supreme Court.

Republican Senators at the time claimed that it wasn't necessary to fill those vacancies. They rejected qualified nominees up and down the bench, denying simple consideration and withholding blue slips. It was a deliberate effort to stonewall President Obama's

judicial nominees. In fact, they rejected a highly-qualified nominee for the very seat Judge Amy Barrett currently holds. President Obama nominated Myra Selby for the Seventh Circuit in January of 2016. She had served on the Indiana Supreme Court and would have been the first African-American and first woman from Indiana on that circuit.

Senate Republicans—what did they do? Didn't even give her a hearing. Then, 1 month later, February 2016, Justice Scalia passes away. President Obama nominates Merrick Garland to the Supreme Court, a good and very fair judge who had been confirmed to the DC Circuit by a Republican-controlled Senate by a vote of 76 to 23. What did Senate Republicans do? They refused to consider the nomination.

They said, February—February of 2016, February of that election—was simply too close to a Presidential election to fill the slot. The American people should have a voice, they said. Let the people choose a President this year and then that President, whomever that may be, make the nomination to the Supreme Court.

Not only did Senate Republicans oppose Merrick Garland, they refused to meet with him. They refused to hold a hearing. This is February 2016. The American people should have a voice. It is a Presidential election year, they said, 8 months—8 months—before that November 2016 election was just too close.

And yet, here we are today, 4 years later, 8 days—not 8 months, 8 days—from the beginning of the last day of this Presidential election, November 3. Over 50 million ballots are already cast, and suddenly, there is nothing more important than rushing to fill the Supreme Court vacancy—not responding to a global pandemic.

And we just learned from a very reputable Columbia University study that had this administration acted and followed the advice of healthcare experts, we could have saved at least 130,000 American lives—up to 220,000 American lives. But here we are, taking no more meaningful action, not giving a lifeline to people who are out of work, through no fault of their own; not closing the digital divide so children who can't go to school because of COVID can access their classes; not reforming our justice and policing system to make sure that everyone, no matter the color of their skin, is protected and treated equally; not securing our elections against foreign attacks and interference.

Just a few days ago, I was right here on the Senate floor, asking this Senate to take up what had been a bipartisan piece of legislation called the DETER Act. I introduced it years ago with Senator RUBIO, after we learned of the Russian interference in 2016. We wanted to make sure that we send a clear message in advance of the 2020 election that if we catch the Russians or any other adversaries interfering in our election, this time, there will be a swift and certain price to pay.

Just earlier this past week, we got not surprising news from the DNI that, yes, what we have known all along, the Russians are interfering, other adversaries are interfering, and yet we couldn't even take up the bipartisan bill to send a clear message to Putin and others because the Trump administration continues to oppose it and the Senate Republican leader continues to bury it here in U.S. Senate.

No response to global pandemic of meaningful note at this point, nothing to do on justice and policing, nothing to secure our elections. No, the top priority has been to jettison the precedent that our Republican colleagues themselves established under President Obama 4 years ago and rush to confirm a Supreme Court Justice.

Why? Why this 180-degree turnaround? After all, it is not as if our Senate Republican colleagues have always been so worried about an eight-person Supreme Court. They kept the Supreme Court to eight Justices for a year—for a full year—when they refused to consider Merrick Garland's nomination. Some of our Senate Republican colleagues praised the idea of only having eight Justices on the Supreme Court forever if Hillary Clinton had won the Presidency in 2016. So what is different this time around?

Well, as we have been hearing on the floor of the Senate and from the President himself, there are a number of irresistible opportunities—at least irresistible for our President and the Republican colleagues—things they have been trying to do for years and have not succeeded yet in doing.

First, they can pack the Court—pack the Court with increasingly ideological and rightwing Justices to align the very top Court—the Supreme Court—with the increasingly ideological rightwing judiciary they have been creating over years, first by stonewalling and blocking President Obama's nominees and then fast-tracking them for President Trump's nominees.

Second, they can achieve another goal that they have been striving for, for a decade: overturning the Affordable Care Act. Ten years ago—I was a Member of the House of Representatives at the time—Republicans did everything—I mean, everything they could—to block passage of the Affordable Care Act to stop ObamaCare. We heard outright lies about it. They said it was going to cause massive job loss. They said that the government would be picking your doctor. They said a government panel would decide whether your grandparents lived or died. They called them death panels. None of it was true. None of it has come true.

The first part of the Affordable Care Act was signed into law on March 23, 2010. On that very day, House Republicans filed a bill to repeal it outright. Also, on that same day, the first Republican lawsuits were filed against it. That two-pronged approach—trying to undo it legislatively and trying to undo it through the courts—continued for

the next decade, dozens of votes in the House of Representatives and the Senate to attempt to repeal the law and dozens of Republican attorneys general and special interests filing lawsuits to challenge it in the courts. They failed. They failed in the Congress. And so far, they have failed in the courts.

In the courts, in 2012, the Roberts Court upheld the constitutionality of the Affordable Care Act in a 5-to-4 decision in one of the very first cases that had been filed against the law. It wasn't a complete victory for the Affordable Care Act. It did make Medicaid expansion optional. And a number of Republican-held States refused to implement that unless and until voters demanded it at the ballots. But that Supreme Court decision did uphold the central tenets of the Affordable Care Act.

The Supreme Court upheld the ACA again in a 6-to-3 decision in 2015. But that hasn't stopped the Republican Party's quest to eliminate it entirely. Just look at the 2016 Republican Party platform where they continued the attack with three strategies.

First, President Trump: "With the unanimous support of Congressional Republicans, will sign its repeal."

Second, while working to legislatively repeal it, the President would use his administrative authority to undermine, weaken, and sabotage it.

Third, the President would appoint Justices to reverse past decisions, including the Affordable Care Act decisions made by the Supreme Court.

That was the three-pronged plan. Well, they ran into problems with the first part of the plan because despite President Trump's campaign promise to convene a special session of Congress to "immediately repeal and replace ObamaCare very, very quickly"—despite that pledge—our Republican colleagues soon realized they had no replacement plan. They promised that they could repeal the Affordable Care Act and replace it with something much, much better and less expensive, but there was no real plan. There was no "there" there, and the idea they offered to the American people was to trade healthcare for millions of Americans for tax breaks for the very rich. Tens of millions of Americans would have lost access to affordable healthcare. People with preexisting conditions would have lost protections, deductibles, and copays would have gotten more expensive. Insurance companies would have been able to get tax breaks on the bonuses they gave to their CEOs. That is what was in the Republican replacement plan—giving tax breaks to companies for the bonuses they pay to their CEOs.

Not surprisingly, they couldn't sell it to the American people, and I think we all recall here, in 2017, it dramatically failed by one vote in the U.S. Senate. Every Democratic Senator voting against destroying the Affordable Care Act, three Republicans joining us, including, of course, Senator McCain giving it a big thumbs down.

Republicans have been a little more successful trying to sabotage the law through the Trump administration's Executive authorities by scaling back outreach for enrollment plans.

What does that mean? That means don't tell the public about what opportunities they have to get healthcare coverage in the Affordable Care Act. We just won't provide as much public information so people won't know about it, and then they won't be able to sign up for it; also, by ending cost-sharing in an attempt to destabilize the healthcare exchanges and allowing more junk health plans that don't offer critical benefits or protections, the kind of plans we used to see when people thought that they had coverage, and then, when they really needed it, they suddenly discovered, no, in the fine print, it just wasn't there.

But despite these efforts by the administration, the law has survived. All their efforts to slash it with 100 cuts, it continues to provide affordable coverage to millions of Americans, and, in many States, including mine in Maryland, they have taken efforts to try to protect the Affordable Care Act from the Trump administration's attacks.

But on November 10, when the Supreme Court hears that Affordable Care Act case, all of that could change. They could decide, after upholding it on two separate occasions, that now they have got another Supreme Court Justice, we are going to strike it down.

And make no mistake, Donald Trump wants this law overturned. I mean, no one should be under any illusions about that. You can take it from the word of the brief—the legal brief filed by the Solicitor General of the United States on behalf of the Trump administration. It is the country's lawyer before the Supreme Court.

He filed a case and said that the entire law "must fall." The entire law must fall. Not one piece of it or another piece, the entire law must fall. That is the position of the Trump administration. You can listen to President Trump back in May of this year. We are in the middle of a pandemic, when he said: "We want to terminate healthcare under ObamaCare."

You can listen to him just this week on "60 Minutes." It aired tonight, and he tweeted out to make sure everyone could see it just in case they missed the show. President Trump said of the Supreme Court's ACA case: "I hope that they end it—it'll be so good if they end it." That is President Trump. It will be so good if they—the Supreme Court—end the Affordable Care Act. That has been his plan from the Supreme Court from the start.

In 2015, when he was running, he said: "If I win the presidency, my judicial appointments will do the right thing unlike Bush's appointee John Roberts on ObamaCare." Candidate Trump hasn't changed his tune. And he has found his nominee in Amy Coney Barrett, who has publicly criticized past Supreme Court decisions on the Affordable Care Act. She is President

Trump's torpedo aimed at fulfilling his pledge to destroy the Affordable Care Act.

She criticized the decision in *NFIB v. Sebelius*, saying that Chief Justice Roberts' argument "pushed the Affordable Care Act beyond its plausible meaning to save the statute." She applauded the dissent in *King v. Burwell*, saying that they had "the better of the legal argument."

So it is no wonder that Republican Senators who tried unsuccessfully to defeat the Affordable Care Act legislatively in 2017 are now rushing to appoint her before that case is heard 1 week after the election.

The stakes could not be higher for the American people. I want everybody to think back to the days before we had the Affordable Care Act. Back then, if you had a preexisting health condition, companies could deny you coverage outright. If you didn't have the coverage, you might otherwise be offered it at a price that you couldn't possibly afford—outrageously expensive. Instead of denying it outright, we will offer you that coverage, but you have got a preexisting health condition, so we are going to charge you something that you can't possibly afford and so you can't buy it.

If you did have coverage and then developed a health issue, you would be locked into your current plan no matter how high the costs arose, unable to shop around because of what had become a preexisting condition. It is called job lock. You have to stay in a job even if you have a better opportunity or you want to pursue your dreams because you now have a preexisting health condition and you can't get coverage elsewhere.

One Marylander, Angela, wrote to me about her daughter Rachel, who was diagnosed with epilepsy when she was in 8th grade. She had to take expensive medications, which she can afford thanks to the Affordable Care Act. Here is what Rachel's mother wrote:

She now has a lifetime preexisting condition. If she were to be kicked off her healthcare, I imagine she would be bankrupted having to pay full costs of the medications that help her be a productive member of society.

Rachel is a teacher, and her mother Angela says: "It is because of ObamaCare that she is able to be where she is today."

Another constituent, Megan, wrote to me that she turned 26 on the Thursday that the Senate Republicans on the Judiciary Committee reported out the Barrett nomination. She turned 26 just last Thursday. She has asthma. She pays \$60 a month for her medications. And here is what she wrote to me:

If I lost my job or my insurance. . . . I would have to make a choice between my medicine or paying the electric bill on time.

And she ended her note to me with the following:

For my 26th birthday, my only wish is that the Affordable Care Act not be overturned. There are so many people like me, Americans with preexisting conditions, that de-

pend on this crucial legislation that provides necessary protection and guarantees that they will stay covered no matter what.

That is what Megan wrote.

And before the Affordable Care Act, women could be charged more just because they were women. Being a woman was a preexisting condition that allowed insurance companies to charge more. It is also true that before the Affordable Care Act, if you had a catastrophic accident or a long-term health issue, you would hit a coverage gap and be bankrupted by millions of dollars in hospital bills. There were no annual caps and no lifetime caps.

Sometimes that meant that people wouldn't go to the hospital or see a doctor because they didn't want to face unending, uncapped bills. That is what would have happened to another constituent of mine, Robin, if she did not have the Affordable Care Act.

She wrote:

I am 64.

So she is not yet 65, so she is not covered by Medicare.

I am 64, took a tumble at home. My older son urged me to go to the emergency room due to my family health history. I was kept in the hospital due to a low thyroid level and almost non-existent potassium level among other problems. I would not have recovered if I did not have [the] ACA. I would not have health insurance and I know I could not pay a hospital bill, so I would not go to the emergency room. I would have died. [The Affordable Care Act] saved my life.

Before the Affordable Care Act, if you were a recent college graduate but you hadn't found a job with health insurance yet, you couldn't stay automatically on your parents' health insurance policy. You were on your own, out of luck, young people thinking they are invincible until they are not. Insurance companies could deny coverage to them, and now they can't.

I heard from one Marylander who worries about his son's future if this particular provision is taken away. He wrote to me:

If the ACA is overturned and we lose the coverage for my son on my policy, this would be a disaster for my son and for my family. . . . I would hate to see him have to drop out of school just to find a job to cover health insurance—this would destroy his future. And we don't have—

He continued to write—

the extra \$5,000 or so a year lying around that would be required for him to have a policy under our current provider that would cover his preexisting conditions. My son could be one of the millions to lose health insurance if the Republicans have their way.

This provision of the Affordable Care Act has been lifesaving for Pamela's family. She wrote:

This year, my 23-year-old daughter was diagnosed with stage 3 breast cancer.

Stage 3 breast cancer.

Thanks to the [Affordable Care Act] she is still on our insurance. Even with our insurance, she will be in debt for a very long time. Without it she would be dead. I have not heard a single Republican guarantee this will be in any bill they propose.

It is also a fact that before the Affordable Care Act, you had to pay for

annual checkups and preventive coverage like breast cancer screenings. It is also a fact that if you want to quit your job to start a small business, you had to figure out how you would pay for an expensive health plan, which might not provide very good coverage on the individual market.

Another Marylander, who had a lump in her breast that was treated as a preexisting condition even after it disappeared, decided she had to limit her employment options to those with decent health insurance before the ACA was enacted. She wrote:

This experience steered me to work only for employers large enough to offer stable, subsidized healthcare insurance. . . . The downside has been the golden handcuffs. It is important to have universal decent healthcare coverage to encourage small businesses, nonprofits, and entrepreneurs.

Kathleen from Maryland decided to leave an office job to find something that suited her better, but the job she took in the restaurant industry didn't offer any medical coverage. She wrote:

I developed adult-onset asthma, more than once resorting to the ERs or Urgent Care. I searched everywhere I knew for medical insurance but was refused, either because I was just an individual and/or because I now had a "pre-existing condition." Knowing nothing about asthma treatment, and unable to cover medical bills entirely on my own, I was chronically ill, and more than once almost died.

She had to rely on friends and family for help, and after 10 years without insurance, she finally found a job with coverage. Kathleen wrote:

We ALL need medical coverage, ALL the time, no matter your employment status.

The Affordable Care Act dramatically expanded Medicaid in many States—those that opted to participate—providing subsidies for low-income Americans to find affordable plans and gave small business tax credits for providing health insurance for their employees. It also closed the prescription drug doughnut hole for seniors on Medicare.

A lot of people forget, seniors on Medicare benefited from the Affordable Care Act and continue to benefit. That is part of the law that the Trump administration is trying to overturn in its entirety. These are seniors who have faced a big coverage gap from the initial spending threshold, and on the other side of the doughnut hole, catastrophic spending—a big doughnut hole.

In 2016, the most recent years where we have complete data, close to 5 million seniors on Medicare received an average of over \$1,000 in Part D prescription discounts because the doughnut hole was closed. Another 46 million seniors are on Part D Medicare today. If any of them all of a sudden develop a condition that requires high drug costs, any of those 46 million Americans could fall into that doughnut hole, costing them as much as \$3,000 more per year.

Now, the Affordable Care Act isn't a perfect law, but it did set a key standard for essential health benefits, cut

the rate of uninsured Americans, and started improving healthcare outcomes for Americans. And, right now, while we are in the middle of the COVID-19 pandemic, it is more important than ever.

The United States has had over 8.6 million COVID-19 cases, a number that we see grow by the day. For patients who require hospitalization, the Kaiser Family Foundation reports that the average stay can cost more than \$20,000 a person and rise to closer to \$90,000 if the patient requires a ventilator.

So what would happen to those Americans if they are once again subjected to a lifetime out-of-pocket limit on their insurance coverage where they are not protected against huge expenditures?

We are all glad that when President Trump got COVID, he got world-class care. It is a good thing. We are glad he got airlifted to Walter Reed in Maryland. It is a great national military medical facility. We are glad he had a team of doctors devoted to his case. We are glad he got access to cutting-edge drugs. He won't have to pay for that coverage.

But that is not the kind of treatment every other American gets, and it is offensive for the President to relish his first-class treatment while denying his fellow Americans simple protections, as he would, by calling for the destruction of the Affordable Care Act.

Speaking of COVID-19 and the impact of preexisting conditions, we are seeing many COVID-19 patients who have long-term health effects. They call them the "long-haulers." The CDC noted last month that COVID-19 can have an impact on the heart, including heart damage that can lead to long-term symptoms like shortness of breath, chest pain, and heart palpitations.

An article this month in the Harvard Medical School Health Blog notes that COVID can damage the brain, causing cognitive effects comparable to those who have suffered traumatic brain injury.

So while Senate Republicans have refused to take meaningful action to confront the next step of COVID-19 relief, including refusing to pass a strong testing and tracing plan to halt the spread of the virus as proposed in the Heroes Act—both 1 and 2—from the House of Representatives, they are pushing for a nominee to take the Affordable Care Act away from the American people who have gotten sick, and now up to 8.6 million of them have a preexisting condition due to COVID-19. But they will no longer be protected from that preexisting condition if the Affordable Care Act goes away.

This isn't crying wolf. I want to remind everybody again, the Solicitor General of the United States, acting on behalf of the President of the United States, wrote in his brief supporting the case for the Affordable Care Act that the entire law—the entire law, coverage for preexisting conditions,

closing the Medicare doughnut hole, and ending lifetime limits for care—"must fall." All of it "must fall."

We know President Trump has no plan to replace it. He has had plenty of time to present one. For years, he kept telling us: It is going to be a matter of weeks. Four years after his inauguration: It is going to be a matter of weeks. Two years ago: It is a matter of weeks. Three years ago: It is a matter of weeks.

He was asked about it in the last debate. He said don't worry. He is going to come up with "a brand new, beautiful health [plan]."

Women's health, in particular, is in jeopardy with this nomination. Not only do women stand to lose the Affordable Care Act protections against discrimination—because before that, as I said, just being a woman was a preexisting condition that would and could cost you more—they will no longer have access to the guarantee of precancer screenings for breast cancer and other screenings. But it is also a fact that President Trump and Republicans have long sought to deny them reproductive health freedom.

That brings us to another longtime priority of President Trump and Senate Republicans—putting a Justice on the Supreme Court who will provide a majority to strike down a woman's right to reproductive choice in accordance with the *Roe v. Wade* decision.

The *Roe v. Wade* decision was 7 to 2 in the Supreme Court. It was founded on the right to privacy, that a woman's healthcare choice was her own, without interference from the State, in accordance with the *Roe v. Wade* framework.

Before *Roe v. Wade*, when abortion was illegal in most States, unsafe abortions caused one-sixth of all pregnancy-related deaths. Many low-income women jeopardized their lives with self-induced procedures.

Now, women have safe options, both to obtain abortions and also, thanks to the Affordable Care Act, no-cost contraception that is used both to plan families and manage a variety of health conditions. Women can make decisions about their own bodies, in consultation with their doctors, that are best for their health and the well-being of their families.

The vast majority of Americans support comprehensive healthcare, including a woman's right to reproductive choice under *Roe v. Wade*, but there has been a long fight chipping away at this protection, this care, with the ultimate goal of overturning *Roe v. Wade* altogether.

Overturning that case has been one of President Trump's litmus tests for this Supreme Court nominee and his other picks. Like the Affordable Care Act, it is not like he has been subtle about this.

In a Presidential debate in 2016, he was asked if he wanted the Supreme Court to overturn *Roe v. Wade*. He said:

Well, if we put another two or perhaps three justices on, that's really what's going

to be—that will happen. And that will happen automatically, in my opinion, because I am putting pro-life judges on the court.

There it is. This would be President Trump's third Supreme Court nominee—the magic number he talked about for overturning *Roe v. Wade* and a woman's protected right to choose under the Constitution of the United States. This comes on top of the more than 60 judges with anti-choice records whom he has already nominated and the Senate has confirmed to the lower courts.

More States are passing laws to drastically limit or effectively ban abortion in order to set up cases to challenge *Roe v. Wade* in the courts, to set up those cases to take to the Supreme Court.

Again, as with his intention to overturn the Affordable Care Act, President Trump has found the perfect nominee to overturn *Roe v. Wade* in Judge Barrett.

We don't have to rely on the President's words alone or on all the anti-choice groups who have vigorously lobbied for her appointment and who have said that she "believes that *Roe v. Wade* is something that can be reversed." That is what all the advocacy groups supporting her nomination are saying. One of our Republican Senate colleagues said he absolutely will never vote for a Justice who has not shown that they believe *Roe v. Wade* was wrongly decided and has told us that Judge Barrett "certainly would meet that standard."

Just as we can see Judge Barrett's opposition to the Affordable Care Act in her own record, we can see her opposition to *Roe v. Wade* in her own record. She signed on to an advertisement calling *Roe v. Wade* "an exercise of raw judicial power" that advocated for ending "the barbaric legacy of *Roe v. Wade*." That is what she said.

She signed another advertisement criticizing *Roe v. Wade* when she was a member of Notre Dame's University Faculty for Life, an anti-choice group. She has said that *Roe v. Wade* is not settled precedent.

Indeed, at her hearing in the Senate, she questioned the principle that the Constitution protects certain fundamental rights from government interference on privacy grounds, saying that there is a debate about how far that can go—a debate that is generally waged by those looking to overturn *Roe v. Wade* and *Obergefell*, the case that allows for gay marriage.

She would not even concede—and this is very telling—she would not even concede in her hearing that the decision in *Griswold v. Connecticut* was settled law. *Griswold v. Connecticut* is the case that protects access to contraceptives. There was a Connecticut law on the books that prohibited any person from using contraception, and the Court invalidated that law in a 7-to-2 decision on the grounds that it violated marital privacy.

I want our colleagues to think about this. This is a State law that said that

adults could not use contraception, and she would not say that is settled law under the Constitution of the United States. She would not even concede that in vitro fertilization, which has helped many women start their families, was constitutional and could not be made illegal.

It is clear from President Trump's stated intentions from the words of anti-choice groups, the promise of our own colleagues, and from Judge Barrett's own words that her nomination is the culmination of a decades-long effort to overturn a woman's right to choose.

We also see that with respect to the decision in *Obergefell v. Hodges*. On that day in 2015, the Supreme Court showed us what it could be—a body that would ensure, rather than restrict, the rights of Americans. In a 5-to-4 decision, it told LGBTQ Americans that the love they had for each other and their wish to declare that love in marriage was their right, as it has been for straight couples for the whole history of our Nation. Five years later, the American people support this decision at record-high levels. But that was a 5-to-4 decision, and we are now facing a fundamental shift in the balance of the Court, and we have seen time and again this President attack laws designed to protect people against discrimination based on sexual orientation.

We also see this not just from the administration but, again, through Judge Barrett's own words and actions. She received an honorarium to teach at a program run by the Alliance Defending Freedom, which the Southern Poverty Law Center has categorized as a hate group for its efforts to prohibit same-sex marriage and recriminalize homosexuality, and she called the experience "a wonderful one." She has referred to sexual orientation as a "sexual preference," which are the buzz words used by those who want to overturn LGBTQ rights on the grounds that this is not a question of "immutable characteristic" but simply someone's chosen preference.

There are a number of cases coming to the Supreme Court that deal with the issue of discrimination against foster families headed by same-sex couples. One will arrive at the Court on November 4, the day after the election—another reason you see this nomination being rushed.

If you look through the issues I outlined at the start—from racial justice and police accountability, to other questions on the ability to access healthcare—you will find time and again in Judge Barrett's record telltale signs and clear signs—flashing warning signs—that she wants to turn back the clock.

We see that with respect to criminal justice reform, where she dissented in a case on whether a defendant who had been convicted but not yet sentenced when the First Step Act was enacted by this Congress and signed by the President—as to whether the new sen-

tencing requirements of that law would apply. Fortunately, the Seventh Circuit ruled 9 to 3 that the First Step Act applied to the defendant. Judge Barrett was one of the three dissenting votes who adopted a cramped interpretation of the law devoid of any mercy.

There are other cases relating to the rights of those who have been injured, including a pregnant teenager who was repeatedly sexually assaulted by a prison guard, where Judge Barrett found that the prison guard could not be held liable under his employment with the prison system. If you read through that case and the horrifying facts, I think you come away very troubled with the fact that she had such a cramped reading of the law.

On a question that is not a legal matter but a matter of fact—climate change—we would have thought that the question that was put to her was quite easy. Judge Barrett admitted that the coronavirus was infectious. Why? Because that is what the medical experts say. But when she was asked about climate change—again, not a tricky, legal question—she refused to say what the overwhelming scientific consensus is—that climate change is real. We see it, as I said, with the forest fires. We see it with the hurricanes. We see it in my State of Maryland, just in the city of Annapolis, the home of the Naval Academy. We see flooding at our docks that is wreaking havoc on local businesses.

Time and again, when Judge Barrett was given an opportunity to answer basic fact questions or pretty straightforward legal questions in the Judiciary Committee, she ducked them entirely, but we have her record to indicate where she stands.

On the issue of voter protection and voting rights, we also find another troubling pattern in Judge Barrett's record. This is especially important when you think about the fact that she is filling the seat of Justice Ruth Bader Ginsburg, who wrote that very powerful dissent in the 5-to-4 decision in *Shelby v. Eric Holder* that took a big bite out of the Voting Rights Act.

If you look at the statements by Judge Barrett, she distinguishes between what she calls individual rights, like the Second Amendment rights, versus what she calls a civic right, the right to vote—putting the right to vote in a lesser protected category than what she defines as individual rights. In fact, Judge Barrett wrote: "As a right that was exercised for the benefit of the community (like voting and jury service), rather than for the benefit of the individual . . . it belonged only to virtuous citizens."

"Only to virtuous citizens"—that is what Judge Barrett wrote about the right to vote. The right to vote, as we all know, is fundamental to our democracy.

Our dear colleague John Lewis, who recently passed away and was nearly beaten to death for fighting for that right to vote, said many times:

The vote is precious. It is almost sacred. It is the most powerful, non-violent tool we have in a democracy.

That right to vote should not be relegated to some kind of secondary status, as Judge Barrett's writings indicate she would do.

So if you look at all the challenges that we face as a country—dealing with the pandemic, dealing with issues of police accountability and racial justice, dealing with climate change, dealing with protecting voting rights—all these pressing issues that we should be focused on here in the U.S. Senate, we are not. Instead, we are rushing through this illegitimate process to put a Justice on the Supreme Court who in each of these areas—each of these areas where we should be focusing on attention—is actually going to take us backward.

So I urge the Senate—I can see the march that is going day after day toward the vote tomorrow, but I urge this Senate to reconsider the path that it is on.

This has been a very shameful episode—watching the complete flip-flop from 2016, rushing to put on a Justice whom the President wants and who Senate Republicans, I think, believe will act to overturn the Affordable Care Act, take away a woman's right to choose, and be part of an ideological majority that will strip away important rights from the American people.

I will end by just pointing out that public surveys right now show the American people are not fooled by this process. They don't like what they see. They want us to be focused on dealing with COVID-19. They want us to pass a robust, comprehensive emergency response package. That is what the American people are calling for. Instead, this Senate has embarked on this charade of a process.

There will be a verdict on all of this by the American people in a matter of 8 days, and I believe there will be a reckoning on the actions the Senate is taking and the actions the Senate has refused to take in addressing the urgent issues that are really facing the country.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Hawaii.

MR. SCHATZ. Mr. President, I am going to give some remarks in 4 or 5 minutes. I just wanted to encourage the staffers, especially the stenographers, to feel comfortable to keep their distance from U.S. Senators who are delivering remarks. There is no reason, if we have microphones on, to be anywhere near us. So I would just encourage them to keep their distance, especially since most Members are delivering remarks without masks on.

So if there is something the staff could do to just encourage them to keep their distance, we do want them to be safe.

I will be giving remarks in a few minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

CORONAVIRUS

Mr. SCHATZ. Mr. President, before I talk about the Supreme Court, I want to express my condolences to the families and the loved ones who have experienced the human toll of the coronavirus pandemic.

Over 220,000 Americans have died, and millions of others have been forever changed. I am going to read some of the names of those we have lost. The families of these individuals have given permission for their names to be read on the Senate floor, adding them and their stories to the CONGRESSIONAL RECORD: Mike Hawk, Stephen R. Chatman, Milan Fryszak, Santos Gomez, Jack Larvin, Jeanne Lanson, Wendy Darling-Minore, Rose DePetrillo, Molly Stech, Larry "Grouse" Cummings, Sarah Ann Staffa Scholin, Elizabeth Woollett, Lorraine Mallek, Bob Matusевич, Javier "Chino" Ascencio, Joel Cruz, Michelle Horne, Juan Carlos Rangel, Laura Brown, Faye Ann Barr, Yoshikage Kira, Patricia Manning, Barbara Johnson Hopper, Harry Conover, Stanley Gray, Mary J. Wilson, Richard Gordon Thorp, Joe Hinton, Angela Chaddlesone McCarthy, Gurpaul Singh, Paul J. Foley Jr., Tim Mulcahy, Kelvin Lurry, Robert Wherry, Fred Westbrook.

NOMINATION OF AMY CONEY BARRETT

Mr. President, the Senate used to be a body that valued bipartisanship, deliberation, and compromise—a body that balanced the demands for debate with the demands for action. But that was in the past. The Senate no longer is the body that examines, considers, and protects our democracy.

The Senate I see now is ruled by partisanship and uncompromising ideology, and in their rush to jam through a divisive nomination days before the election and before the American people get a chance to have their say, the majority leader and the Republican Party are inflicting procedural violence on the Senate itself and the American people to achieve their ideological objectives.

In fact, many Republicans bragged that they had the votes to confirm the President's nominee before the nominee was chosen. The world's greatest deliberative body, with the constitutional responsibility for advice and consent and a special responsibility to advise and consent on the highest Court in the land, decided that they were A-OK with whatever Donald Trump decided, that their role in advice and consent was to basically agree in advance and to abdicate their role.

Now, we are not a parliamentary system. We are a separate, coequal branch of the government, and we are supposed to have our own views. The Federalist Society is not a branch of government. Donald Trump should not run the U.S. Senate. Nobody outside of this Chamber should be in charge of us, and to announce that you are for a nominee, sight unseen, is an abdication of your role.

Why would you even run for this job? Why would you even run for this job? Just go be the executive vice president of the Federalist Society. If you don't believe in the importance of the legislative branch, don't be a legislator.

We are less than 2 weeks away from the most consequential decision, election, of our lifetimes. Almost 60 million Americans have already voted. And there are legitimate concerns around an election dispute, and that is because of the President. The President has proposed postponing the election. He has threatened to challenge the results if he doesn't win. He has called it rigged in advance. He has refused repeatedly to commit to a peaceful transfer of power.

He has openly admitted that one of the reasons that he wanted to hurry in confirming this nominee—one of the reasons he wanted to hurry in confirming this nominee—is, in case there is an election dispute, to referee which votes get counted.

What is funny about this—not funny like hilarious funny but kind of weird funny—is that that is the kind of thing that, if I said that you are just putting this person in to referee an election dispute, I would have expected the people on the other side to say: How dare you make that accusation?

But, to the contrary, the junior Senator from Texas actually said that is the reason they have to hurry: We had better get her in so she can rule against counting votes—in wherever the Democrats are counting their votes. That is what he said. This isn't a partisan accusation. It is literally what TED CRUZ said.

The President of the United States expects his nominee, Judge Barrett, to be Justice Barrett tomorrow night, to assist him with ensuring reelection, if necessary. These statements by the President should alarm every Member of this body—Democrat and Republican. But, actually, it didn't alarm certain Members. They found that to be a justification for hurrying.

Disturbingly, in an exchange with the Senator from New Jersey, Judge Barrett would not say that President Trump should commit to a peaceful transfer of power. When the Senator from California asked her if the Constitution gives the President the power to delay an election, Judge Barrett said that she didn't want to give off-the-cuff answers, even though the Constitution does not, in fact, give the President that power.

This is part of a pattern. I will take you through some of this stuff. Anytime there is a live controversy—and by "live controversy" it is, basically, anytime Donald Trump says something—she is unwilling to cross him. She is unwilling to cross him.

Our judges are supposed to be independent and unbiased interpreters of the law. That means Judge Barrett should know what the law says and how to apply it, especially when the President threatens to break it in

order to hold onto political power. But she dodged these important questions and refused to defend democracy. I have real doubts about her ability to serve our Nation impartially, especially in the case of an election dispute.

There was a 4-4 decision which allowed a lower court decision to be upheld regarding—it is an election dispute in Pennsylvania. I won't get into great detail. The litigants now, because it was 4-4, are going right back to the Supreme Court, figuring that Amy Coney Barrett will rule for them, in the middle of this election.

This isn't some theoretical, wild-eyed, internet-driven paranoia. This is happening. They went back to the Supreme Court to say: How about now? And I would be a little surprised if they don't rule 5-4 on behalf of Republicans who want to restrict the vote.

In moving forward with the confirmation, the Senate Republicans and the majority leader are going against the precedent they set 4 years ago.

Look, I understand. I am reasonably good at politics. I know that hypocrisy abounds. I understand that hypocrisy abounds. I understand that, if we take our case to the American voter and say, "They are hypocrites," the American voters are going to shrug their shoulders and say, "You're all hypocrites." I get that.

But I am a little bit old-school in the following way: I come from a legislature, and I believe your word should be your bond. Otherwise, this kind of place won't work.

When LINDSEY GRAHAM said, "Use my words against me," I actually believed him. I have worked with LINDSEY before. I have had dinner with LINDSEY. I sort of personally like him. That probably gets me in tons of trouble politically.

But I just guess I thought that, if I am coming from the Hawaii Legislature, where your word is your bond, that is the most foundational rule of politics. I remember when I was first elected in 1998. The National Conference of State Legislatures, this training body for legislators, used to issue cassette tapes about how to be an effective legislator.

And I remember this. The first tape, I would stick it in my Nissan truck, and I listened to it every day—Roz Baker. Your word is your bond. That is the most important coin of the realm.

And I get that. Look, most of the people in this body are pretty smart. So they are going to use their ample brains to justify their new position. But let's be clear: This is the most rank hypocrisy I have ever seen in anything politically, and it is one of the most important things that I have ever seen.

It is not a trivial thing that you held up Merrick Garland. Now, do I go around saying that on the cable shows and whatever? No, because I know, outside of this body, nobody cares. Inside of this body, we are supposed to care